

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

MICHAEL FREEMAN,

Defendant.

No. 02-CR-150 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of Defendant Michael Freeman's motion to vacate his Section 924(c) conviction. (Dkt. no. 237.) The Court is also in receipt of the Government response to the motion dated October 25, 2019 (dkt. no. 255) and Defendant's supplemental submissions dated January 8, 2020 and March 29, 2020, respectively (dkt. nos. 256-257).

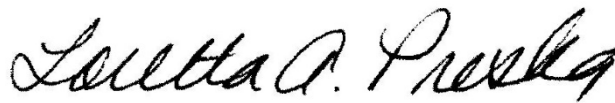
Since then, the Second Circuit has issued decisions in United States v. Heyward, 3 F.4th 75 (2d Cir. 2021) and United States v. Capers, 20 F.4th 105 (2d Cir. 2021), both of which found distinguishable the Circuit's earlier, non-precedential decision in United States v. Vasquez, 672 F. App'x 56 (2d Cir. 2016) (summary order), on which the Government's October 2019 submission principally relies.

The Government shall supplement its opposition to Defendant's motion no later than June 25, 2022. The supplemental briefing shall address the impact--if any--of

Heyward, Capers, and any other intervening decisions the Government believes may be relevant to Defendant's motion.

SO ORDERED.

Dated: May 26, 2022
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. The first name "Loretta" is prominent, followed by "A." and then "Preska". The signature is positioned above a horizontal line.

LORETTA A. PRESKA
Senior United States District Judge